

Notice of Allowability

Application No.

09/782,183

Examiner

Patricia Hightower

Applicant(s)

BIGG ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed September 29, 2003.
 2. ☒ The allowed claim(s) is/are 1-3,5,7,9-80,82-95,97-99,101-116,118-127,129-142,144-157 and 159-168.
 3. ☒ The drawings filed on 12 February 2001 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: In view of the applicants' amendment filed September 29, 2003 in which *the method for reducing waste accumulation comprising using an environmentally degradable disposable material wherein the material comprises a hydroxycarboxylic acid-containing polymer wherein **the limitation of the disposal degradation rate of the disposal material comprising a hydroxycarboxylic acid-containing polymer, wherein said material degrades hydrolytically during storage, use and disposal stages in a controlled manner such that the disposal degradation rate of said material is accelerated relative to the average of the storage and use degradation rates of said material, and wherein said average of said storage and said use degradation rates is less than about 50 percent of said disposal degradation rate, the method of producing an environmentally degradable disposable material, an environmentally degradable disposable material comprising a hydroxycarboxylic acid-containing polymer** wherein the material degrades hydrolytically during operative and disposal stages in a controlled manner such that the disposal degradation rate of said material is accelerated relative to the operative degradation rate of said material, wherein said operative degradation rate is less than about 50 percent of said disposal rate and the method of producing said environmentally degradable disposable material; and the environmentally degradable disposal material comprising a hydroxycarboxylic acid-containing polymer, wherein said hydroxycarboxylic acid is selected from the group consisting of lactic acid, L-lactide, D-lactide, D,L-lactide and mixtures thereof, wherein*

said material degrades hydrolytically during operative and disposal stages in a controlled manner such that the disposal degradation rate of said material is accelerated relative to the operative degradation rate of said material and wherein said operative degradation rate is less than about 50 percent of said disposal degradation rate; said claims are allowable over the prior art because the prior art does not teach the environmentally degradable disposable materials as claimed which are distinguishable from biodegradable plastics which are used in the body (e.g., sutures) which are designed to undergo substantial and often controlled degradation during use. In contrast the instant disposal material begins accelerated degradation during its disposal stage having exhibited only a minor amount of degradation during its operative stage.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are cited to show the state of the art of biodegradable polymers; Tomonori Ishigaki, Denesuk, Bastioli, Nehen and Suskind.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (571) 272-1073. The examiner can normally be reached on M-F from 9:30 A.M. - 6:00 P.M.

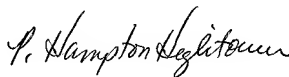
Application/Control Number: 09/782,183
Art Unit: 1711

Page 4

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

P. Hightower
December 28, 2003



P. Hampton-Hightower
Primary Examiner
Art Unit 1711